

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	<u>STIPULATION AND ORDER</u>
	:	
-v.-	:	22 Cr. 392 (LAP)
	:	
NIKHIL WAHI,	:	
	:	
Defendant.	:	
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WHEREAS, on or about November 28, 2022, Magistrate Judge Stewart D. Aaron executed a seize warrant (“Seizure Warrant”) authorizing the Government to seize 324,165.60 USD Coin (“USDC”) contained within the following unhosted virtual currency address on the Ethereum network: 0x44b3d59fe4dA798a43De3689bE0a2Ab508Bc0067 (the “0x44b3d59 Wallet”) (the “Subject Property”), *see* 22 Mag. 9491, Dkt. No. 1;

WHEREAS the Seizure Warrant commanded and authorized Circle Internet Financial Limited (“Circle”) to “immediately provide the amount of USD Coin (USDC) associated with [0x44b3d59 Wallet] . . . to the U.S. government in a reasonably practicable manner” and that Circle would “provide reasonable assistance in implementing the terms of this seizure warrant and take no unreasonable action to frustrate the implementation of it.” *See* 22 Mag. 9491, Dkt. No. 1;

WHEREAS, after being served with the Seizure Warrant, the Centre Consortium caused the USDC contained in the 0x44b3d59 Wallet to be frozen, and the Subject Property currently remains frozen;

WHEREAS, on or about January 10, 2023, this Court entered an Amended Consent Preliminary Order of Forfeiture as to Specific Property/ Money Judgment (the “Forfeiture

Order”) (D.E. 66), which ordered the forfeiture to the United States of all right, title and interest of NIKHIL WAHI (the “Defendant”) in the Subject Property;

WHEREAS, the Forfeiture Order authorized the United States Marshals Service to take possession of the Specific Property;

WHEREAS, the Government has been advised by Circle, the company now managing the USDC access denial policy, that the Government will be unable to transfer the Subject Property without a private key (the “Key”) for the 0x44b3d59 Wallet and that Circle is not able to transfer the Subject Property to the Government; and

WHEREAS, the Government and the Defendant have agreed on the terms and conditions set forth below;

IT IS HEREBY STIPULATED AND AGREED, by and between Damian Williams, United States Attorney for the Southern District of New York, by and through Assistant United States Attorney Noah Solowiejczyk, of counsel, and Defendant NIKHIL WAHI, by and through counsel, Priya Chaudhry, Esq. that:

1. Upon entry of this Stipulation and Order, the Defendant agrees to provide, through his counsel, the Key for the 0x44b3d59 Wallet to the United States, including through the Federal Bureau of Investigation and/or the United States Marshals Service (“USMS”) to effectuate the transfer of the Subject Property to a USMS wallet.

2. Upon the entry of this Stipulation and Order, Circle is hereby directed by this Court to unfreeze the Subject Property contained in the 0x44b3d59 Wallet in order to permit the Government to transfer the Subject Property to a wallet subject to the control of the USMS. Circle shall, consistent with the terms of the Seizure Warrant – which required Circle to provide reasonable assistance in implementing the terms of the Seizure Warrant and not take any

unreasonable action to frustrate the implementation of the Seizure Warrant – coordinate with the Government and the USMS regarding the timing and manner of unfreezing the Subject Property contained in the 0x44b3d59 Wallet.

3. Upon the transfer of the Subject Property to the Government, any freeze or hold on the account associated with the Subject Property imposed as a result of the Seizure Warrant and/or the Forfeiture Order shall be vacated.

4. The Defendant agrees to execute promptly any documents which may be required to complete the transfer of the Subject Property.

5. The signature page of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Signature pages may be by fax or scanned and such signatures shall be deemed as valid originals.

AGREED AND CONSENTED TO:
DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:




Noah Solowiejczyk
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2473


8/22/24
DATE

[SIGNATURES CONTINUE OF FOLLOWING PAGE]

NIKHIL WAHI

By: 
Nikhil Wahi
Defendant


DATE

By: 
Priya Chaudhry, Esq.
Chaudhry Law PLLC
Attorney for Defendant
147 West 25th Street, 12th Floor
New York, New York 10001

August 15, 2024

DATE

SO ORDERED:



HONORABLE LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

08/23/2024

DATE